

**MINUTES  
LAND AND WATER CONSERVATION BOARD  
MEETING**

**June 7, 2011  
Boardroom 106  
Wisconsin Department of Agriculture, Trade and Consumer Protection  
2811 Agriculture Drive, Madison, Wisconsin**

**Item #1      Call to Order--open meeting notice, approval of agenda, approval of LWCB meeting minutes, and Board membership status**

The meeting was called to order by Chairman Cupp at 9:30 a.m. with the pledge of allegiance. Other LWCB members present were: Tom Rudolph, Denny Caneff, Sandi Cihlar, Chuck Wagner, Robin Leary, Patrick Laughrin, Ryan Schroeder, John Petty for the DATCP Secretary, Ken Johnson for the DNR Secretary, and Jana Steinmetz for the DOA Secretary. A quorum was present. Advisors present were Kurt Calkins for WALCE, Julian Zelazny for WLWCA, and Pat Leavenworth for NRCS.

Cupp confirmed with Lori Price that the meeting had been publicly noticed, as required. Cupp presented the agenda for approval. Rudolph made a motion to approve the agenda, and Leary seconded the motion. The motion passed.

Cupp presented the April 4, 2011, LWCB business meeting minutes for approval. Leary made a motion to approve the business meeting minutes as written, and Wagner seconded the motion. The motion passed. Cupp presented the April 4, 2011, LWCB shoreland zoning forum minutes for approval. Caneff presented a document listing the changes to the minutes (see attached). Caneff then made a motion to approve the minutes with these changes. Rudolph seconded the motion. The motion passed.

Steinmetz announced that this would be her last meeting as an LWCB member. Her new job as DOA budget director will not allow time for attendance at LWCB meetings. She has enjoyed her time on the LWCB and hopes to attend the waste spreading forum in August. Johnson announced that he is now the DNR Water Division Administrator and will continue to attend LWCB meetings. If his schedule does not allow for time to attend LWCB meetings, he will ask the DNR Secretary to appoint a new representative to the Board. Cihlar announced that her term ended on May 1<sup>st</sup>, but she will continue to serve on the Board until she is either reappointed or the Governor appoints a new farmer representative. Leary added that she has not heard anything yet on her reappointment from Governor Walker's office.

**Item #2      Public appearances**

No public appearances took place at this meeting.

**Item #3      Report of the LWCB Officers Committee: approval of the May 19, 2011 meeting minutes; LWCB legislation update; distribution of April 4, 2011, LWCB forum meeting minutes; and status report on "land spreading of waste" forum—Mark Cupp, LWCB**

Cupp presented the May 19<sup>th</sup> minutes for approval. Rudolph made a motion to approve the minutes as written, and Caneff seconded the motion. The motion passed.

Cupp commented that he had nothing new to report on the status of the LWCB legislation.

Caneff reported that the Officers agreed to have the forum minutes sent out to the state legislators, the DNR and DATCP Secretaries, and the Wisconsin County Code Administrators (WCCA) along with a cover memo from Cupp. The LWCB agreed with this plan of action.

Caneff presented the draft land spreading of waste forum agenda. The first part of the forum will address information on the DNR rules covering different types of sludge as well as fees. The second part of the forum will address the percentage of cropland that receives sludge. The third part of the forum will address the environmental impacts of sludge. The forum will conclude with a public comment period. LWCB members suggested adding information on waste that is accepted across state lines; what is in sludge; the amount of time between sludge application and when it is reported; what is done with sludge when it contains hazardous substances; the number of full-time DNR employees that work in the waste management area; Environmental Protection Agency information on waste application, particularly the layers of laws addressing this area; and uptake of sludge by crops. Caneff encouraged LWCB members to ask these questions during the question and answer period with DNR staff scheduled in the forum. Johnson commented that all municipalities have to file a sludge characteristics report with DNR and that industrial sludge is tested as well.

**Item #4      Proposed bylaws changes related to electronically receive meeting materials, and facilitate agenda item review process at DATCP**

Pielsticker reported that this item was tabled at the April 4<sup>th</sup> meeting so that staff could address LWCB concerns about receiving meeting materials electronically. Staff determined that money could be saved by providing electronic copies of the meeting materials to interested parties beyond the LWCB members and advisors. The LWCB member and advisors will receive hardcopies of the meeting materials. They have the choice to receive an electronic version with a hardcopy to review at the meeting or an electronic version exclusively. Members and advisors are asked to let staff know if they prefer these choices over hardcopy. Hardcopies of the meeting materials will continue to be made available to the public at the meeting.

Pielsticker also reported that DATCP is currently experiencing staff retirements that have affected the processing of LWCB meeting agenda items through its legal counsel office. Staff recommend that DATCP agenda items be reviewed by legal counsel if such review is deemed necessary. Such items as minutes and agendas will no longer be reviewed, but such items as the joint allocation plan and bylaw changes will most likely continue to be reviewed by legal counsel.

Pielsticker reviewed the actual language change in the bylaws pertaining to meeting materials transmittal and review. Members thanked staff for considering their concerns. Petty displayed his personal computer notebook to give an idea of how the meeting materials can be viewed and transported electronically. Rudolph made a motion to approve the bylaw changes, and Petty seconded the motion. The motion passed.

**Item #5      Gathering input on funding and allocation plan—Julian Zelazny, WLWCA; and Kurt Calkins, WALCE**

Zelazny reported he heard from counties that it is unclear as to where they stand budget wise until the state budget is known. He reminded the LWCB that there has been no funding formula cost of living adjustment since 1992. There is concern there would be the need for further employee layoffs or loss of work hours.

Calkins reported that counties cannot increase their tax levy limits, which is another cause of insufficient funding. Also, counties are not filling positions as staff retire. Counties play a large role in the Working Lands Initiative, which will add additional workload for staff. In the next edition of the Wisconsin Counties Association (WCA) magazine, an article on WLI workload for county staff will be featured. Rudolph posed the question on how to convince county boards that important positions need to be filled. Calkins responded it can be pointed out that the position is needed to understand, pursue, and administer various grants the county could take advantage of.

Castelnuovo reported that DATCP will be considering options to more fairly allocate staffing grants particularly in light of increased county costs and recent funding reductions. As requested, he contacted the Wisconsin Counties Association to determine if they would like to participate in today's discussion but did not hear back from them.

Caneff asked if the county's allocation funding would be affected if they choose not to fill the county conservationist position. Zelazny responded that the money should appropriately be allocated to local conservation needs as expressed in the county land and water resources management plans. If we can define what is appropriate for each county, we may have less trouble defining what the allocation money goes towards. Calkins added that he prefers to keep position discussions and funding separate in his county. Castelnuovo commented that with county departments merging, county conservationists are being asked to do other duties beyond conservation. Caneff commented that he was concerned with the county conservationist position being diluted by other county departments. Leary commented that Eau Claire County recently approved filling two vacation positions within the land conservation department after the county administrator found out how much valuable work was being done by the LCD.

**Item #6      Correction to Buffalo County Land and Water Resource Management Plan expiration date—Dennis Presser, DATCP**

Presser reported that he inadvertently used the wrong start date for the expiration period of the Buffalo County LWRM plan order presented at the April 4<sup>th</sup> LWCB meeting. He corrected the start date and requested the LWCB recommend approval of the plan through December 31, 2016.

Cihlar made a motion to recommend approval of the Buffalo County Land and Water Resource Management plan through December 31, 2016. Schroeder seconded the motion. The motion passed.

**Item #7      Recommendation for approval of the Green Lake County Land and Water Resource Management Plan—James Hebbe, Green Lake County LCD; and Dennis Presser**

Hebbe presented the plan to the LWCB for an approval recommendation. His presentation covered staff costs and funding; strategy to address priority farms; prior and projected costs for land and water resource management activities funding; progress management and evaluation; and additional programs and services.

After the presentation, the LWCB discussed with Hebbe the LCD communications with the county board, aquatic invasive species problems in Big Green Lake, unrestricted grazing causing soil erosion in the county, and numerical inconsistencies in benchmarked items. Leary made a motion to recommend approval of the Green Lake County Land and Water Resource Management Plan based on the county's agreement to ensure consistency between the benchmarked activities for Goals 1 and 2 on pages v-vi and those listed on pages 70-71. Cihlar seconded the motion. The motion passed.

**Item #8      Recommendation for approval of the Washburn County Land and Water Resource Management Plan—Brad Robole, Washburn County LWCD; and Dennis Presser**

Robole presented the plan to the LWCB for an approval recommendation. His presentation covered the economic resource of tourism within the county, the county's geography, resource concerns, prior plan goals and activities, major accomplishments, general trends in land use, and 2011 plan revision.

After the presentation, the LWCB discussed with Robole county shoreland zoning activities; county forest management plan and relationship to loggers; and improving fish habitat. Rudolph made a motion for the LWCB to recommend approval of the Washburn County Land and Water Resource Management Plan. Wagner seconded the motion. The motion passed.

**Item #9      Recommendation for approval of the Barron County Land and Water Resource Management Plan—Tyler Gruetzmacher, Barron County SWCD; and Dennis Presser**

Gruetzmacher presented the plan to the LWCB for an approval recommendation. His presentation covered the county's geography; manure storage facilities within the county and the closure process; priority farm designation and projects highlights; Farmland Preservation Program county statistics; shoreland protection and invasive species activities; frac sand mining in the county; and public relations activities.

After the presentation, the members discussed with Gruetzmacher the status of the manure digester project in Rice Lake; further explanation of the nutrient trading program in the City of Cumberland; snap bean contribution to soil erosion; and positive changes as a result of information and education activities. Wagner made a motion for the LWCB to recommend approval of the Barron County Land and Water Resource Management Plan. Laughrin seconded the motion. The motion passed.

**Item #10      Agency reports**

**a. FSA**

No report was given.

**b. NRCS**

Leavenworth reported on NRCS programs signup totals for Fiscal Year 2011; the elimination of the Resource Conservation and Development (RC&D) Program in the federal budget; the elimination of the Grazing Land Conservation Initiative and other earmarks; the State Resource Assessment that is currently taking place; the May 26<sup>th</sup> Wisconsin Cooperative Soil Survey Work Planning Conference; changes to the soil loss equation, and T and K values; and practice standards currently being developed by the Standards Oversight Council work teams. Leavenworth added that the Wisconsin RC&D might continue to function if they can obtain funding.

**c. UW-CALS**

No report was given.

**d. UW-Extension**

No report was given.

**e. WALCE**

Calkins reported that the WLWCA and WALCE merger was discussed at the February WALCE county conservationists meeting. Discussions on the merger will continue with a final report and vote at the end of this year. Conservation Observance Day will be on Monday, June 13<sup>th</sup>.

**f. WLWCA**

Zelazny reported that the Conservation Camp will take place on June 21<sup>st</sup> and the Wisconsin Envirothon will take place in July. WLWCA is unable to offer the Conservation on the Land Internship Program this year because no funding was available. On the advocacy front, the Joint Finance Committee of the state legislature instructed DNR to repeal NR 151 in its entirety. However, WLWCA worked with other groups to get this changed to only the nonpoint rule.

**g. DATCP**

Petty reported that in the proposed state budget discussions, the Joint Finance Committee eliminated the conversion fee but kept the Purchase of Agricultural Easements (PACE) program along with the funding for the 2010 PACE projects. The JFC also required that a review of the program take place in order to determine if a more efficient one can take its place. Otherwise, the rest of the Working Lands Initiative remains unchanged.

Petty announced two staff retirements taking place in the Bureau of Land and Water Resources: Ed Odgers, Conservation Engineering Section Chief, and Sandy Weisensel, Contract Specialist, Farmland Preservation and Conservation Reserve Enhancement Programs.

Calkins asked if there was any idea on where the path to change PACE might lead. Petty could not answer this question because the department is still waiting to see what happens with the budget and it could also depend on what happens with NR 151. Cihlar asked if there was additional effort on the legislature's part to consult the departments for suggestions on repeal of NR 151. Johnson responded that DNR staff are providing clarification on NR 151 when needed.

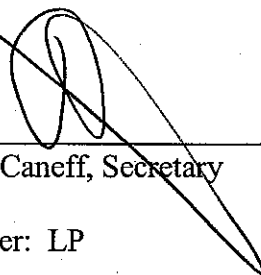
**h. DNR**

Johnson reported that the phosphorus standard was also originally repealed, but this repeal was removed from the proposed budget. DNR is now required to do an economic impact analysis on all proposed rules by the end of this year. Also, DNR staff are working on the nutrient trading framework recommendation and proposed legislation to be taken before the NR Board within a year. Laughrin asked for further clarification on what is happening with municipal well disinfection. Johnson replied that there was some recent legislation that passed where smaller municipalities will no longer be required to disinfect their wells.

**Adjourn**

There being no further business before the LWCB, Rudolph made a motion to adjourn the meeting and Leary seconded the motion. The motion passed, and the meeting adjourned at 1:05 p.m.

Respectfully submitted,

  
\_\_\_\_\_  
Denny Caneff, Secretary

8/9/11  
\_\_\_\_\_  
Date

Recorder: LP

## Additions and Changes to LWCB Minutes of Shoreland Zoning Forum

April 4, 2011

### **Lynn Markham**

Stated a majority of counties she has encountered in her educational work are in favor of the provisions of the shoreland zoning rules.

**Karl Jennrich** – A new county ordinance passed in 2000 that looked at lake classification, lot sizes, mitigation, impervious services and other shoreland management factors caused a “revolt” locally that resulted in a big turnover on the county board.

The biggest issue related to NR 115 adoption in Oneida County is how the impervious surface standard will apply to landowners who are not riparian owners. The county is still aiming to meet the Feb. 1, 2012 deadline to pass an ordinance.

**Bob Martini** – described how the local ordinance was changed over the years and that lakeshore property owners got “frustrated” with the long debate and the fact they don’t want the lakes degraded. He felt NR 115 represented “the bare minimum” in shoreland protection, and said his organization is looking for advice about how to get a shoreland ordinance passed and implemented.

### **Becky Frisch** –

Frisch pointed out that Langlade County’s lowest level of vegetative buffer (of 50 feet) is higher than the minimum state standard of 35 feet. She also pointed out that the “non-conforming structures” provisions in NR 115 (known as “legal pre-existing structures” in Langlade) could cause Langlade County to have to change their own code.

### **Karl Kastrosky**

Kastrosky said implementing the shoreland rules would be costly, and his county was considering redirecting agricultural cost share money to shoreland work. An apparent change of heart by DNR secretary Cathy Stepp to reopen the rules had led to the Wisconsin County Code Administrators’ NR 115 implementation committee to write a letter to DNR with their ongoing concerns about the rule, especially concerns about how the rule affects urban towns, and the pre-existing legal structures issue.